

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Ivan Magdaleno,)	
)	C/A No.: 7:06-cr-00703-GRA-2
Petitioner,)	
)	
v.)	ORDER
)	(Written Opinion)
United States of America,)	
)	
Respondent.)	
_____)	

This matter comes before the Court on Petitioner's Motion for Reconsideration of this Court's Order filed November 9, 2009, which denied Petitioner's Motion, filed October 19, 2009, titled "Request for Specific Performance of the Plea Agreement Pursuant to F.R.Cr.P. Rule 35(b)."

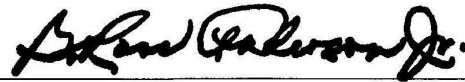
Petitioner brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

Petitioner's Motion for Reconsideration asks the Court to revisit its analysis of Petitioner's claims. After a review of the record, this Court finds that its prior

decision was and is correct as a matter of law. Consequently, this Court must deny Plaintiff's motion.

IT IS THEREFORE ORDERED that Petitioner's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

November 25, 2009
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Petitioner has the right to appeal this Order within sixty (60) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**